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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 14 December 2011 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Colombia to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and transmits herewith the national report on implementation of the aforementioned resolution (see annex).

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Annex to the note verbale dated 14 December 2011 from the Permanent Mission of Colombia to the United Nations addressed to the Chair of the Committee

National report of Colombia

1. Bodies

Colombia is a State member of the following organizations dealing with in disarmament and international security issues:

- Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL)
- International Atomic Energy Agency (IAEA)
- Organization for the Prohibition of Chemical Weapons (OPCW)

Colombia is also a State member of the Conference on Disarmament, the only multilateral negotiating forum for disarmament issues.

2. International treaties

I. Nuclear weapons

Colombia is a State Party to the following nuclear weapons treaties:

- Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean[1] (Treaty of Tlatelolco). Colombia has ratified the three amendments[2] to the Treaty.
- Treaty on the Non-Proliferation of Nuclear Weapons,[3] as a non-nuclear-weapon State.

In compliance with article 13 of the Treaty of Tlatelolco and article III of the Non-Proliferation Treaty, Colombia has an agreement in place with the International Atomic Energy Agency (IAEA) for the application of safeguards.[4]

Colombia has signed the Protocol Additional to the Agreement between the Republic of Colombia and the International Atomic Energy Agency for the Application of Safeguards.[5] This agreement entered into force on 5 March 2009.

Colombia has signed and ratified the following nuclear test ban treaties:

- The Antarctic Treaty[6]
- The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water[7]

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[1] Enabling legislation: Act No. 45 of 31 December 1971.
[2] Enabling legislation: Act No. 303 of 5 August 1996.
[3] Enabling legislation: Act No. 114 of 16 December, 1985.
[4] Enabling legislation: Act No. 47 of 16 December 1982.
[5] Enabling legislation: Act No. 1156 of 20 September 2007.
[6] Enabling legislation: Act No. 67 of 19 December 1988.
[7] Enabling legislation: Act No. 6 of 16 October 1969.

- The Comprehensive Nuclear-Test-Ban Treaty.[8] Ratification by the States listed in Annex 2 of the Treaty is necessary for its entry into force.

II. Biological weapons

Colombia is a State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.[9]

III. Chemical weapons

Colombia is a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.[10]

Pursuant to the Convention, Colombia established through Decree No. 1419 of 2002 the National Authority for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (ANPROAQ).

IV. Nuclear security

In the area of nuclear security, Colombia is a State party to the following international instruments established by IAEA:

- The Convention on the Physical Protection of Nuclear Material[11]
- The Convention on Early Notification of a Nuclear Accident,[12] and
- The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency.[13]

3. Other initiatives

I. Ballistic missiles

Colombia is a subscribing State to The Hague Code of Conduct against Ballistic Missile Proliferation (HCOC).

II. Non-proliferation

On 17 May 2009 Colombia endorsed the Proliferation Security Initiative (PSI). On 8 and 9 September 2011, with support from the Government of the United States, a PSI workshop for national authorities was held in Bogotá.

III. Nuclear security

Colombia endorsed the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and the supplementary Guidance on the Import and Export of Radioactive Sources. It also participates in the IAEA Illicit Trafficking Database

[8] Enabling legislation: Act No. 660 of 30 July 2001.
[9] Enabling legislation: Act No. 10 of 4 February 1980.
[10] Enabling legislation: Act No. 525 of 12 August 1999.
[11] Enabling legislation: Act No. 728 of 27 December 2001.
[12] Enabling legislation: Act No. 702 of 21 November 2001.
[13] Enabling legislation: Act No. 766 of 31 July 2002.

(ITDB) programme which is concerned with trafficking in nuclear or other radioactive material.

4. National legislation and regulations

I. 1991 National Constitution

Under Colombia's constitutional framework, it is prohibited to manufacture, import or use weapons of mass destruction, or to introduce nuclear and toxic waste into the national territory. In addition, only the national Government may introduce or manufacture arms, ammunition and explosives.

Article 81: The manufacture, importation, possession, or use of chemical, biological, or nuclear weapons are prohibited, as is the introduction into the national territory of nuclear and toxic wastes.

Article 223: The Government alone may introduce and manufacture weapons, ammunitions and explosives. No one may own or bear arms without permission from the competent authority.

II. Criminal measures

(a) Act No. 599 of 2000, Colombian Criminal Code

Colombia has included the following criminal offences in its substantive punitive legislation:

- Article 358: Possession and manufacturing of and trafficking in hazardous substances or objects. Anyone who unlawfully imports, introduces, exports, manufactures, acquires, has in their possession, supplies, traffics in, transports or disposes of a hazardous, radioactive or nuclear substance, waste or residue defined as such in international treaties ratified by Colombia or in existing provisions shall be liable to a term of imprisonment of between forty-eight (48) and one hundred and forty-four (144) months and a fine of between one hundred and thirty-three point three three (133.33) and thirty thousand (30,000) times the current minimum statutory monthly wage. The penalty provided for in the preceding paragraph shall be increased by up to one half if any of the acts described causes the release of nuclear energy, radioactive elements or pathogens that endanger peoples' lives, health or property.
- Article 367: Manufacture, import, trafficking, possession and use of chemical, biological and nuclear weapons. Anyone who imports, traffics in, manufactures, stockpiles, stores, acquires, supplies, uses or carries chemical, biological or nuclear weapons shall be liable to a term of imprisonment of between ninety-six (96) and one hundred and eighty (180) months and a fine of between one hundred and thirty-three point three three (133.33) and thirty thousand (30,000) the current minimum statutory monthly wage. The penalty shall be increased by up to one half if genetic engineering is used to produce biological weapons or weapons to destroy humankind.
- Article 374: Manufacture and sale of substances harmful to health. Anyone who, without permission from the relevant authorities, produces, distributes, supplies or markets chemical products or substances harmful to health shall be liable to a term of imprisonment of between five (5) and eleven (11) years, a fine of between two hundred (200) and one thousand five hundred (1,500)

times the current minimum statutory monthly wage and disqualification from holding public office or carrying out any professional, artistic or commercial activity for the duration of the sentence.

Article 8. Prohibition on the manufacture of chemical weapons. It is prohibited to manufacture, repair, market, import, export, stockpile, transport or use all nuclear, chemical and biological weapons and their accessories that are proscribed by the international treaties to which Colombia is a State Party and by other legal provisions, especially Act No. 525 of August 1999, which approves the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

(b) Act No. 1119 of 2006 provides, inter alia, for the updating of records and renewal of expired permits for possession and carrying of firearms.

(c) Act. No. 1453 of 24 June 2011 amends the Criminal Code, the Code of Criminal Procedure, the Code of Childhood and Adolescence and the rules on forfeiture and establishes other provisions for safety.

Article 10 of Act No. 1453 modifies article 359 of Act No. 599 of 2000 (Criminal Code), increasing the penalties for the criminal offence of using or releasing hazardous substances or objects. Article 10 of Act No. 1453 reads as follows:

Article 10. Article 359 of Act No. 1453 shall henceforth read:

Article 359: Use or release of hazardous substances or objects. Anyone who uses, sends, launches or releases one of the substances or objects referred to in the previous article against a person, building or means of transportation, or in a place that is public or open to the public, shall be liable to a term of imprisonment of between sixteen (16) and ninety (90) months, provided that the act does not constitute another offence.

If the act is committed in a sports or cultural facility, the offender shall also be liable to a fine of between five (5) to ten (10) times the current minimum statutory monthly wage and prohibited from entering the sporting or cultural facility for a period of between six (6) months and three (3) years.

III. Trade-related matters

(a) Decree No. 2685 of 28 December 1999 promulgating the Customs Statute.

The Statute stipulates the procedures and controls for the import, export or transit of banned or restricted goods, subject to compliance with the requirements established by the various enforcement authorities (such as Industria Militar of Colombia (INDUMIL), the Colombian Agriculture Institute (ICA), the National Narcotics Council, the National Institute for Food and Drug Monitoring (INVIMA)); or for the seizure and disposal of such goods in the event of violations of the provisions of the following articles:

Title V. Import regime

- Article 87. Customs obligations relating to imports
- Article 125. Decision regarding inspection or release

- Article 126. Customs inspection
- Article 128. Authorization for release

Title V. Export regime

- Article 268. Supporting documents for shipment authorization requests.
- Article 274. Customs inspection.

Title VIII. Arrangements for customs transit, multimodal transport, cabotage and trans-shipment

Title XIV. Controls and Monitoring

- Article 469. Customs controls
- Article 470. Control and monitoring powers
- Article 471. Evidence in customs investigations
- Article 472. Customs control inspections
- Article 473. Procedure for customs control inspections

Title XV. Penalties

- Article 502. Grounds for the seizure and confiscation of goods
- Article 504. Certificate of seizure
- Article 505. Identification and valuation
- Article 524. Special goods depot

(b) Decision No. 4240 of 2 June 2000: This decision implements the Customs Statute (establishing provisions for the verification of documents, physical inspection and customs oversight).

(c) Decree No. 1232 of 20 July 2001, which partially amends Decree No. 2685, of 28 December 1999, and contains other provisions.

(d) Decree No. 4589 of 27 December 2006, which promulgates the Customs Tariff. Goods from Schedules 1, 2 and 3 of the Chemical Weapons Convention are classified in chapters 28, 29 ad 30.

(e) Decree No. 3803 of 2006: Article 2 of this Decree states that the importation of goods that have to meet certain criteria or that require permits or authorizations must apply for import registration through the Single Window for Foreign Trade (VUCE) of the Ministry of Trade, Industry and Tourism. Those concerned must obtain these permits from the Ministry of Trade, Industry and Tourism and the Ministry of Defence.

(f) Circular No. 77 of 25 September 2002 of the Ministry of Trade, Industry and Tourism "Clearance and registration requirements for imported goods": annex 10 of this Circular lists products containing radioactive materials to be used for educational, industrial and medical research purposes, which prior to importation require approval or authorization from the Colombian Institute of Geology and Mining (INGEOMINAS).

The External Circular provides that:

5.3 Colombian Institute of Geology and Mining. On the basis of Decrees Nos. 1452/98 and 1129/99, the Institute has established the list of products for which import applications must be submitted with the stamp of approval in box 18. Licences must be obtained and the authorization letter issued by the Institute must be attached. The following information must be provided in box 17 of the registration form or in the fact sheets: a description of the specific application and use of the components; the types of emissions or power or frequency generators; a description of how emissions are detected and controlled. Otherwise, a manufacturer's certificate may be required, stating that the components of the goods do not need or use radioactive material (annex 10).

(g) Circular No. 006 of 8 February 2010 of the Ministry of Trade, Industry and Tourism. This Circular updates the list of products that may only be imported through Industria Militar (INDUMIL), by addressing, inter alia, the obligations deriving from Act No. 525 of 1999 (which approved the Chemical Weapons Convention) and Decree No. 1419 of 2002 (which created the National Authority for the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, ANPROAQ).

IV. Regulations concerning radioactive and/or nuclear materials

As the Regulatory Authority, the Ministry of Mines and Energy has issued the following regulations:

(a) Decision No. 181682 of 8 December 2005, whereby Colombia adopted the Regulations for the Safe Transport of Radioactive Materials.

(b) Decision No. 180052 of 21 January 2008 — Categorization of Radioactive Sources: The categorization system is only applicable to sealed radioactive sources; it is not applicable to nuclear materials and unsealed radioactive sources are covered on a case by case basis. This system seeks to implement control systems with a graded approach, i.e. commensurate with the degree of risk associated with each source.

Issuing this regulation is one of the activities related to the implementation of the provisions of the Code of Conduct on the Safety and Security of Radioactive Sources and the Guidance on the Import and Export of Radioactive Sources. Colombia's compliance with and implementation of the Code and Guidance, which are non-binding instruments, demonstrate its strong commitment to keeping radioactive materials in secure conditions.

(c) In December 2009, the radioactive waste management policy was issued, the details of which are regulated by Decision No. 180005. This regulation established the system of waste classification by management option and provides that class 2 waste (very-low-level waste) shall be managed at the point of generation; the regulation applies the principle of control from the time of manufacture to that of obsolescence.

All of these regulations, together with the international instruments in this field, are implemented by discharging the duties of a regulatory authority, that is, licensing, monitoring and control.

There are currently approximately 400 facilities that work with radioactive sources (this number changes slightly when facilities are decommissioned), 96 per cent of these facilities are licensed and are subject to periodic monitoring and controls, through the regular programme of inspections which is carried out in its entirety.

Colombia has only one nuclear facility, the IAN-R1 research reactor, which is authorized and subject to regulatory control inspections as well as international safeguards inspections. The facility's physical security mechanisms are in line with those established for this type of facility in the Convention on the Physical Protection of Nuclear Material.

All facilities that work with category 1 radioactive sources have physical security mechanisms that apply the physical protection principles, i.e. prevention, delay and response. All of these mechanisms were acquired in cooperation with the Ministry of Mines and Energy and the United States Department of Energy, through the Global Threat Reduction Initiative.

V. Regulatory instruments for Security Council resolutions

With a view to implementing Security Council resolutions, INDUMIL has issued the following decisions:

(a) Decision No. 148 of 2002, which adopted the measures needed to comply with the provisions of United Nations Security Council resolutions 1343 (2001) and 1408 (2002);

(b) Decision No. 149 of 2002, which adopted the measures needed to comply with the provisions of United Nations Security Council resolution 1407 (2002);

(c) Decision No. 100 of 2003, which adopted the measures needed to comply with the provisions of United Nations Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002);

(d) Decision No. 267 of 2004, which adopted the measures needed to comply with the provisions of United Nations Security Council resolution 1533 (2004);

(e) Decision No. 479 of 2006, which adopted the measures needed to comply with the provisions of United Nations Security Council resolution 1718 (2006);

(f) Decision No. 265 of 2004, which adopted the measures needed to comply with United Nations Security Council resolution 1540 (2004);

(g) Decision No. 144 of 2009, which adopted the measures needed to comply with the provisions of Security Council resolutions 825 (1993), 1540 (2004), 1695 (2006) and in particular 1718 (2006), and with the statements by the President of the Security Council dated 6 October 2006 (S/PRST/2006/41), 13 April 2009 (S/PRST/2009/7) and 11 June 2009 (S/2009/301);

(h) Decision No. 263 of 2009, which adopted the measures needed to comply with the provisions of Security Council resolutions 1572 (2004), 1643 (2004) and 1893 (2009).

5. Other national measures

I. Integrated Nuclear Security Support Plan:

Colombia has an Integrated Nuclear Security Support Plan that was developed with the International Atomic Energy Agency. As part of the activities under the Plan, the Nuclear Affairs Group of the Ministry of Mines and Energy, in conjunction with the IAEA Department of Nuclear Safety and Security and the Colombian National Police, has implemented various training and capacity-building activities for staff in different aspects of nuclear security.

In addition, phase I of the Plan for the establishment of a Nuclear Security Support Centre has been completed, with some equipment having already been received and the rest to arrive in the near future, in accordance with the timetable for phase II.

The Centre is located within the Directorate of Criminal Investigations and Interpol and was inaugurated on 19 October 2010 by Anita Nilsson, then Director of the IAEA Office of Nuclear Security, Department of Nuclear Safety and Security.

II. Customs measures:

The Directorate of National Taxes and Customs (DIAN), the national body that facilitates and regulates the movement of goods across the border of the customs territory of Colombia, has undertaken the following initiatives:

- The "Single Model for Revenues, Service and Computerized Control" (MUISCA)

The Directorate designed and implemented the Single Model for Revenues, Service and Computerized Control (MUISCA) — an information system that maintains and updates the tariff nomenclature based on the Harmonized Commodity Description and Coding System and the relevant measures.

These measures include the existing foreign trade restrictions on restricted or prohibited goods, which amount to 840 substances, classified under 40 tariff subheadings for substances controlled under the Chemical Weapons Convention (INDUMIL Circular No. 06 of 8 February 2010) and 50 subheadings for substances controlled by the Non-Proliferation Treaty (Colombian Institute of Geology and Mining Circular No. 077 of 25 September 2002, Annex 10). With computerized control, approval is required for importing all related goods when they enter the country.

- National Customs Laboratory:

Since 2008, the National Customs Laboratory has been equipped with cutting-edge technology to assist all Customs branches in identifying any goods that need to be analysed. Some of the analysis techniques used include: gas-liquid chromatography coupled with mass spectrometry; X-ray diffraction and fluorescence; differential scanning calorimetry and thermogravimetric analysis.

- Megaports Initiative at the Port of Cartagena:

In December 2006, the Directorate of National Taxes and Customs signed a Declaration of Principles with the United States Customs and Border Protection and

the United States Department of Energy which covers implementation of the Megaports Initiative and the Container Security Initiative (CSI).

- Container Security Initiative (CSI): This initiative was implemented in September 2007. Non-intrusive inspection is carried out using CAB 2000 X-ray scanners to see the contents of a container or a radiation isotope identification device (RIID) to measure the amount of radiation emitted by goods inside containers.
- Megaports Initiative: The Port of Cartagena is equipped with a Megaports detection system to detect and interdict illicit trafficking of nuclear and other radioactive materials. Control is carried out via a system designed to send data detected by the radiation portal monitors to a Central Alarm Station.

III. Other institutional developments

• Inter-agency Agreement GSA 03 between the National Police and the Ministry of Mines and Energy

On 15 January 2008, the National Police and the Ministry of Mines and Energy signed an agreement with a view to strengthening the operational capacity of the Police for locating, identifying and handling radioactive sources and prosecuting their unlawful use in the country. The agreement has facilitated the conduct of raids and searches which have led to the arrest of seven persons for the crime of trafficking in, transport and possession of radioactive materials and nuclear substances. Twenty-one radioactive sources were seized, including caesium-137, americium-beryllium, iridium-192 and 45 kg of depleted uranium.

• Special Response Unit for incidents involving radioactive, biological and chemical agents:

In 2006 the National Police, through the Directorate of Criminal Investigations and Interpol, established a Special Unit to respond to incidents involving nuclear, biological, chemical and radiological (NBCR) agents. The Unit is equipped with appropriate individual protective equipment and basic electronic devices to identify NBCR agents. It responds to criminal acts and incidents that involve these materials.

• National Army — NBC Platoon:

The Disaster Prevention and Relief Battalion has an NBC Platoon whose main task is to respond to any attacks or emergency situations involving nuclear, biological and chemical agents.

• The Risk Management Directorate:

In 2005, a special group was formed to respond to NBCR incidents throughout the national territory.

New York, 14 December 2011